IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

NOTICE OF MOTION NO. 2773 OF 2004
IN
APPEAL (LODGING) NO.518 OF 2004
IN
SUMMONS FOR JUDGEMENT NO.228 OF 1997
IN
SUMMARY SUIT NO.472 OF 1997

M/s.Radha Textile Agency & ors. Appellants
vs.
Mr.Sureshchand Gangaram Arora & ors. Respondents

Mr.S.P.Kanuga with Mr.M.V.Aiya for the appellants.

Mr.N.P.Jain i/b. Mr.S.K.Jain for the respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 1st October 2004

P.C.

Heard.

2. There is delay of 12 days in filing the appeal.

3. For the reasons stated in the affidavit in support of notice of motion, we are satisfied that delay in filing the appeal may be condoned and the inconvenience caused to the respondent no.1, may be compensated by award of reasonable cost.

4. Notice of motion is, accordingly, disposed of by the following order:

(i) Subject to applicants paying cost of Rs.5,000/- to the first respondent within two weeks from today, the delay in filing the appeal shall stand condoned.

(ii) Upon being satisfied that payment of cost has been made by the applicants to the first respondent, office is directed to process the appeal and post it for admission as and when numbered.

5. Notice of motion stands disposed of.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)